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News Release
UNITED STATES SENATOR | ALABAMA

Merit-Based Visas Account For Less Than 10 Percent Of Total Immigration Under Gang Of Eight Bill

Would Make Broken Family-Based Chain Migration System Worse

The U.S. immigration system currently prioritizes family-based chain migration over merit-based migration that rewards skills, education, or knowledge of the English language. Other developed countries, like Canada, have already adopted the latter type of system because it is widely recognized that younger, better educated, more highly skilled immigrants have the best chance of success in their new country. Recognizing the desire for such reforms, the Gang of Eight has repeatedly promised that their legislation would shift to a merit-based immigration system.

Unfortunately, the Gang's talking points do not accurately represent the text of their legislation. Of the more than 30 million immigrants who would be added under their plan in the first decade, **only a small fraction—less than 2.5 million—would come in through the new merit-based system that they brag about.**¹

How can this be? First, although the Gang plan reduces the existing family-based visa cap,² from 226,000 to 161,000, **it simultaneously allows for an unlimited number of visas each year for children and spouses of green card holders.** (Both future legal immigrants and current illegal immigrants would enjoy this benefit once attaining legal permanent resident status.) The bill then allows the visas that would have been allocated under the old system to be used by other family-based visa applicants, pushing that category of immigration yet higher. The Gang of Eight also does not change current law which allows for an unlimited number of family-based visas for parents of U.S. citizens each year, one of the largest and fastest-growing chain migration categories.

Even among the provisions that appear at first glance to take a more merit-based approach, points are awarded for factors that most would probably not consider “meritorious,” such as being from a country from which few aliens have immigrated (i.e., former diversity visa countries), or having family ties. For example, ***a visa applicant who is a sibling of a citizen would receive the same amount of points (10) as someone with a master's degree.***

The Migration Policy Institute observed that: “the Senate bill would lift numerical limits and increase the number of permanent visas issued on the basis of nuclear family ties... [and] would dramatically expand options for low- and middle-skilled foreign workers to fill year-round, longer-term jobs and ultimately qualify for permanent residence.” The United States would benefit from a true merit-based immigration system, but the Gang of Eight legislation fails to achieve that goal.

¹ It is important to emphasize that this is separate from the doubling of guest workers under the bill (which is four times more guest workers than the failed 2007 bill). The merit-based provisions in this context refer to permanent immigration, not temporary workers.

² Green card holders can petition for visas for siblings, spouses, and children subject to this cap. Once they become citizens, they can apply for additional visas for parents.